

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,
for the use and benefit of
LGS GROUP, LLC

Plaintiff,

vs.

ODYSSEY INTERNATIONAL, INC., et al.

Defendant(s).

Case No. 08-017 SLR-LPS

ORDER

At Wilmington this 9th day of April, 2008, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16, Del. LR 16.1 (a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a) (1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects:
Scope of the work under the contract; value of the work completed under the contract; value of any incomplete work; amount of payments made to plaintiff and amounts, if any, still due from defendant Odyssey; alleged breach of contract based on plaintiff's failure to provide timely work; alleged breach of contract by Defendant for failure to make payments to Plaintiff; timely submittals, timely

providing of materials; failure to provide third party inspector, non-conforming product and work; acceptance of work by Defendant; notices from Defendant to Plaintiff; plaintiff's alleged failure to pay subcontractors and suppliers and affiliates; Defendant's failure to pay Plaintiff and unauthorized payments by Defendant.

(b) All fact discovery shall be commenced in time to be completed by August 11, 2008.

(c) Maximum of 30 interrogatories by each party to any other party.

(d) Maximum of 30 requests for admission by each party to any other party.

(e) Maximum of 10 depositions by plaintiff and 10 by defendant.

(f) Each deposition limited to a maximum of 6 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a) (2) on issues for which any party has the burden of proof due October 13, 2008. Rebuttal expert reports due December 15, 2008.

3. Joinder of other Parties, Amendment of Pleadings, and Class Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before June 9, 2008.

4. Settlement Conference. Pursuant to 28 U.S.C. §636, this matter is referred to a Magistrate Judge for the purposes of exploring ADR.

5. Applications by Motion. Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or

correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

6. **Motions in Limine.** All motions in limine shall be filed on or before January 15, 2009. All responses to said motions shall be filed on or before January 22, 2009.

8. **Pretrial Conference.** A pretrial conference will be held on January 29, 2009 at 4:30 p.m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a two day bench trial commencing the week of February 23, 2009 in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

United States District Judge